

**NEW UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR  
1.53(b))

**DOCKET NO:**

FOOT100001000

**Total Pages in this Submission:**  
56

USPTO

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

16591 U.S.PTO  
10/773630

Transmitted herewith for filing under 35 USC 111(a) and 37 CFR 1.53(b) is a new utility patent application for an invention entitled:

**FOOT OPERATED FLUSHING APPARATUS AND METHOD**

and invented by:

Eric Herbst

**If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:**

- Continuation
- Divisional
- Continuation-in Part (CIP)

of prior application serial no: \_\_\_\_\_ Filed: \_\_\_\_\_

**Enclosed are:****APPLICATION ELEMENTS**

1.  Filing fee as calculated and transmitted as described below.
2.  Specification having 35 total pages, including 9 pages of claims and 1 page Abstract
3.  Drawing(s) including 5 sheets (*when necessary as prescribed by 37 USC 113*)
  - a.  Formal
  - b.  Informal
4.  Oath or Declaration.
  - a.  Newly executed (*original or copy*)  Unexecuted.
  - b.  [Note Box 5 Below] Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional applications only*)

 **DELETION OF INVENTORS**

Signed statement in Box 22 below, forming part of this transmittal, deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).

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c.  With Power of Attorney

Without Power of Attorney

### APPLICATION ELEMENTS (Continued)

5.  Incorporation By Reference (*This box shall be considered checked whenever Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  Computer Program in Microfiche. (*Appendix*)
7.  Nucleotide and/or Amino Acid Sequence Submission. (*if applicable, all must be included*)
  - a.  Paper Copy.
  - b.  Computer Readable Copy. (*Identical to computer copy*)
  - c.  Statement Verifying Identical Paper and Computer Readable Copy.

### Accompanying Application Parts

8.  Assignment Papers.
  - The prior application is assigned of record to \_\_\_\_\_.
  - An assignment of the invention to \_\_\_\_\_ is attached. (cover sheet & documents(s))
9.  37 CFR 3.73(b) Statement. (*when there is an assignee*)
10.  English Translation Document. (*if applicable*)
11.  Information disclosure Statement/PTO-1449.  Copies of IDS Citations
12.  Preliminary Amendment.
13.  Acknowledgment postcard.
14.  Small Entity Statement  Statement filed in prior application, Status still proper and desired
15.  Certified Copy of Priority Document(s). (*if foreign priority is claimed*)
16.  Certificate of Mailing:
  - First Class
  - Express Mail (*Specify Label No*) EV332852833US

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17.  Form EFS for Filing  
18.  NonPublication Request Under 35 U.S.C. §122(b)(2)(B)(i)  
19.  Additional Enclosures. (please identify below):

**Priority**

20.  Priority - 35 USC 119  
 Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.  
 The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.  
 The certified copy will follow.

21.  Priority - 35 USC 120  
 Amend the specification by inserting before the first line the following sentence:  
"This is a  
 continuation  
 divisional  
of copending application(s)  
 Serial Number \_\_\_\_\_ filed on \_\_\_\_\_."  
 International Application No. \_\_\_\_\_ and which designated the U.S."

**Inventorship Statement**

22.  Inventorship  
With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are)  
 the same.  
 less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

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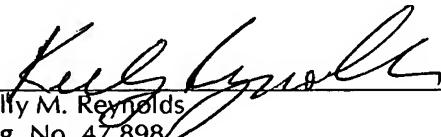
Total Pages in this Submission:

56

**Fee Calculation and Transmittal  
CLAIMS AS FILED**

FOR	NO. FILED	NO. ALLOWED	NO. EXTRA	RATE	FEE
Total Claims	30	— 20 =	10	x \$18.00	\$ 180.00
Indep. Claims	03	— 03 =	0	x \$86.00	\$ 0
Multiple Dependent Claims (check if applicable)					\$
				<b>BASIC FILING FEE</b>	<b>\$ 770.00</b>
Other Fees (specify purpose)				<b>FILING FEE CALCULATION</b>	<b>\$ 950.00</b>
				<b>SMALL ENTITY x 50%</b> (when Box 14 is checked)	<b>\$ 475.00</b>

- A check in the amount of \$ 475.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 04-0566 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \$ \_\_\_\_\_ as filing fee.
  - Charge or credit any under or overpayment.
  - Charge any additional filing fees required under 37 CFR 1.16 and 1.17.
  - Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

Dated: February 6, 2004


Kelly M. Reynolds  
Reg. No. 47,898

**DELIO & PETERSON, LLC**  
 121 Whitney Avenue  
 New Haven, CT 06510  
 (203) 787-0595

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to Mail Stop Assignment Recordation Services, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22323-1450, as "Express Mail Post Office to Addressee" Mailing Label No. EV332852833US on February 6, 2004

Name: Carol M. Thomas Signature: Carol Thomas  
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